



THE CITY OF NEW YORK  
**LAW DEPARTMENT**

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February 9, 2016

**BY ECF**

Honorable Marilyn D. Go  
United States Magistrate Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Charles Nelson v. City of N.Y., et. al.,  
15-CV-5530 (CBA) (MDG)

Your Honor:

I am the Assistant Corporation Counsel assigned to represent defendants City of New York and Officer Samuel Carey in the above-referenced matter. At the initial conference on January 14, 2016, the parties agreed to an early telephone settlement conference scheduled to take place on February 11, 2016 at 9:30 a.m. I write to respectfully inform the Court that defendants require additional discovery before they can assess this matter for settlement, and, thus, will not be in a position to discuss settlement by February 11<sup>th</sup>.

By way of background, plaintiff brings claims of, *inter alia*, unlawful stop, false arrest, and municipal liability stemming from his arrest on September 8, 2015 in Brooklyn. Plaintiff claims that officers stopped and apprehended him at or near 455 Barbey Street in Brooklyn, and that he was not engaged in any unlawful behavior at the time. Defendants assert that they arrested plaintiff on information from a criminal co-defendant who is not a party to this action. Document discovery began on January 14<sup>th</sup>, and the party's responses to the first sets of interrogatories and document requests are not yet due, and have not been served.

Accordingly, after thoughtful assessment, defendants have determined that they are not able to adequately assess this matter for settlement at this time. Plaintiff has made a settlement demand, and I note that, while I have conveyed the City's position in a voicemail and email to plaintiff's counsel, the parties have not been able to speak directly about this because of conflicting schedules and court appearances. Thus, I cannot report plaintiff's position regarding proceeding with the telephone conference currently scheduled for February 11<sup>th</sup>.

I thank the Court for its consideration of this request.

Respectfully submitted,

/S

Aimee K. Lulich

Assistant Corporation Counsel

**cc:** Ken Womble, Esq. (By ECF)  
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